

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Sean Pak (Bar No. 219032)
3 seanpak@quinnemanuel.com
4 Melissa Baily (Bar No. 237649)
5 melissabaily@quinnemanuel.com
6 James Judah (Bar No. 257112)
7 jamesjudah@quinnemanuel.com
8 Lindsay Cooper (Bar No. 287125)
9 lindsaycooper@quinnemanuel.com
10 Iman Lordgooei (Bar No. 251320)
11 imanlordgooei@quinnemanuel.com

50 California Street, 22nd Floor
7 San Francisco, California 94111-4788
Telephone: (415) 875-6600
8 Facsimile: (415) 875-6700

9 Marc Kaplan (*pro hac vice*)
marckaplan@quinnemanuel.com
10 191 N. Wacker Drive, Ste 2700
Chicago, Illinois 60606
11 Telephone: (312) 705-7400
Facsimile: (312) 705-7401

12 *Attorneys for GOOGLE LLC*

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION

16 SONOS, INC.,

17 Plaintiff,

18 vs.

19 GOOGLE LLC,

20 Defendant.
21

CASE NO. 3:20-cv-06754-WHA
Related to CASE NO. 3:21-cv-07559-WHA

**DECLARATION OF JOCELYN MA IN
SUPPORT OF SONOS, INC.'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED (DKT. 590)**

I, Jocelyn Ma, declare and state as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP representing Google LLC (“Google”) in this matter. I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Sonos, Inc.’s (“Sonos”) Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (“Administrative Motion”) (Dkt. 590) filed in connection with Sonos’s Motion *in Limine* No. 1 (“Motion *in Limine* No. 1”) (Dkt. 591). If called as a witness, I could and would testify competently to the information contained herein.

3. Google seeks an order sealing the materials as listed below:

Document	Portions Sonos Sought to Be Filed Under Seal	Portions Google Seeks to Be Filed Under Seal	Designating Party
Motion <i>in Limine</i> No. 1	Portions highlighted in yellow	Portions highlighted in yellow	Google
Exhibit A to the Declaration of Joseph Kolker in Support of Motion <i>in Limine</i> No. 1 (“Exhibit A”)	Entire document	None	Google
Exhibit B to the Declaration of Joseph Kolker in Support of Motion <i>in Limine</i> No. 1 (“Exhibit B”)	Entire document	Portions outlined in red boxes	Google
Google’s Response to Motion <i>in Limine</i> No. 1 (“Google’s Response”)	Portions highlighted in yellow	Portions highlighted in yellow	Google
Google’s Response	Portions highlighted in green	Portions highlighted in green	Google and Sonos
Exhibit 1 to the Declaration of Lindsay Cooper in Support of Google’s Response (“Exhibit 1”)	Entire document	Portions outlined in red boxes	Google and Sonos

Exhibit 2 to the Declaration of Lindsay Cooper in Support of Google's Response ("Exhibit 2")	Entire document	Portions outlined in red boxes	Google and Sonos
Exhibit 3 to the Declaration of Lindsay Cooper in Support of Google's Response ("Exhibit 3")	Entire document	Portions outlined in red boxes	Google and Sonos
Exhibit 5 to the Declaration of Lindsay Cooper in Support of Google's Response ("Exhibit 5")	Portions highlighted in yellow	Portions highlighted in yellow	Google
Exhibit 9 to the Declaration of Lindsay Cooper in Support of Google's Response ("Exhibit 9")	Entire document	Portions outlined in red boxes	Google

4. I understand that this Court has analyzed sealing requests in connection with motions *in limine* pursuant to the “good cause” standard for non-dispositive motions. *See, e.g., Gearsources Holdings, LLC v. Google LLC*, No. 18-CV-03812-HSG, 2021 WL 1123630, at *2 (N.D. Cal. Feb. 24, 2021) (“Because Defendant’s motion *in limine* is not a dispositive motion, the Court applies the lower good cause standard.”); *Racies v. Quincy Bioscience, LLC*, No. 15-CV-00292-HSG, 2019 WL 8438448, at *1 (N.D. Cal. Dec. 16, 2019) (“Because the parties move to file documents related to their motions *in limine*, the Court will apply the lower good cause standard.”); *TVIIM, LLC v. McAfee, Inc.*, No. 13-CV-04545-HSG, 2015 WL 3776424, at *2 (N.D. Cal. June 16, 2015) (“Because motions *in limine* are nondispositive motions, the Court applies the ‘good cause’ standard to the pending motions to seal.”). I also understand that material that is confidential and could harm a litigant’s competitive standing if disclosed may be sealed under the good cause standard. *See, e.g., Skillz Platform Inc. v. AviaGames Inc.*, No. 21-CV-02436-BLF, 2022 WL 875654, at *2 (N.D. Cal. Mar. 24, 2022) (finding “good cause to file the documents and portions of documents at issue under seal given the sensitive financial and business information they contain”); *Dugan v. Lloyds TSB Bank, PLC*, No. 12-CV-

1 02549-WHA NJV, 2013 WL 1435223, at *2 (N.D. Cal. Apr. 9, 2013) (“There may be ‘good cause’ to
2 seal records that are privileged, contain trade secrets, contain confidential research, development or
3 commercial information, or if disclosure of the information might harm a litigant’s competitive
4 standing.”).

5 5. The portions of Exhibit 1 outlined in red boxes contain confidential information
6 regarding Google’s highly sensitive financial and product revenue data, metrics data, internal lifetime
7 value analyses, and costs information, as well as figures from which a competitor could deduce
8 Google’s highly sensitive financial and product revenue data. Public disclosure of this information
9 would harm Google’s competitive standing and create a risk of injury by providing competitors with
10 access to information that Google does not have similar access to about their competitors, allowing
11 them to gain a competitive advantage in the marketplace. If such information were made public, I
12 understand that Google’s competitive standing would be significantly harmed. Google has therefore
13 designated this information as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY under the
14 protective order (Dkt. 92). I also understand that this Court has previously granted sealing of the same
15 and/or similar information. *See, e.g.*, Dkt. 334 at 4.

16 6. The highlighted portions of Motion in Limine No. 1, Google’s Response, and Exhibit 5
17 as well as the portions of Exhibits B, 1, 2, 5, and 9 outlined in red boxes contain confidential licensing
18 negotiations that are not public. I understand that public disclosure of this information would harm
19 Google’s competitive standing and its ability to negotiate future licensing agreements by giving
20 competitors access and insight into Google’s highly confidential business thinking and asymmetrical
21 information about Google’s licensing strategies to other entities. If such information were made
22 public, I understand that Google’s competitive standing would be significantly harmed. Google has
23 therefore designated this information as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY
24 under the protective order (Dkt. 92). I also understand that this Court has previously granted sealing
25 of the same and/or similar information. *See, e.g.*, Dkt. 334 at 5.

26 7. The portions of Exhibits B, 1, 2, and 3 outlined in red boxes contain confidential
27 information regarding Google’s highly sensitive financial and compensation data for its non-infringing
28 alternatives in this case. Public disclosure of this information would harm the Google’s competitive

1 standing and create a risk of injury by providing competitors with access to information that Google
2 does not have similar access to about their competitors, allowing them to gain a competitive advantage
3 in the marketplace. If such information were made public, I understand that Google's competitive
4 standing would be significantly harmed. Google has therefore designated this information as
5 HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY under the protective order (Dkt. 92).

6 I declare under penalty of perjury under the laws of the United States of America that to the
7 best of my knowledge the foregoing is true and correct. Executed on May 2, 2023, in San Francisco,
8 California.

9 DATED: May 2, 2023

10 By: /s/ Jocelyn Ma
11 Jocelyn Ma
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28